

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:23-CV-00088-KDB**

**MICHAEL J. GARVEY,**

**Plaintiff,**

**v.**

**STEVEN G. TATE,**

**Defendant.**

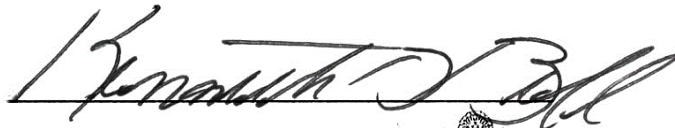
**ORDER**

**THIS MATTER** is before the court upon its own motion. Plaintiff filed a Notice of Appeal from Bankruptcy Court case #22-50024 on June 16, 2023, amending that Notice on June 27, 2023. *See* Doc. Nos. 1-2. However, Plaintiff has failed to file a designation of the items to be included in the record on appeal and a statement of the issues to be presented to the U.S. District Court as required by Fed. R. Bankr. P. 8009(a). Doc. No. 3. Plaintiff is advised that his failure to make these required filings will result in the dismissal of his appeal; however, the Court will not enter a dismissal at this time. Instead, the Court will give the pro se Plaintiff a final, additional opportunity to properly prosecute his appeal. Accordingly, Plaintiff is ordered to satisfy Fed. R. Bankr. P. 8009(a) by filing the appropriate designations on or before November 1, 2023. If Plaintiff fails to timely make the required filings then the Clerk is directed to dismiss this action without further proceedings.

The Clerk is directed to certify copies of this Order to Plaintiff by mail as well as docketing the Order in ECF.

**SO ORDERED ADJUDGED AND DECREED.**

Signed: October 10,

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell  
United States District Judge

